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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,770	12/26/2000	Masayoshi Tanabe	04329.2482	9932

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON, DC 20005

EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,770

Applicant(s)

TANABE, MASAYOSHI

Examiner

Duc M. Nguyen

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12-23 is/are allowed.
- 6) ☐ Claim(s) 1,2,6-8 and 10 is/are rejected.
- 7) ☐ Claim(s) 3-5,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 9/6/00. Claims 1-23 are now pending in the present application.

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 12/29/03 has been considered by the examiner (see attached PTO-1449).

Claim Objections

2. Claims 1, 3, 4, 5 are objected to because of the following informalities:
 - "a lapse" should be changed to "an elapse" in line 12 of claim 1;
 - "said control means" should be changed to "said control part" in line 5 of claim 3;
 - "said control means" should be changed to "said control part" in line 5 of claim 4;
 - "said control means" should be changed to "said control part" in line 5 of claim 5;.Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-2, 6-8, 10** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Izumi (US 6,219,021)**

Regarding claim **1**, **Izumi** discloses a method for controlling the display time of a device, comprising

- an user input key for setting the device to a first or second mode (see col. 6, lines 48-53);
- a display part for displaying information in accordance to the setting mode (see col. 5, lines 3-9), whereas the backlight on would read on the first brightness and the backlight off would read on the second brightness;
- a setting part information in accordance to the setting mode (see col. 5, lines 3-9);
- a control part for causing the display to display information during a first time period at the first brightness (backlight ON), and at the second brightness (backlight OFF) after a lapse of the first time period (see Fig. 9 and col. 9, line 52 – col. 10, 67);
- a control part for causing the display to display information during a second time period at the first brightness (backlight ON), and at the

second brightness (backlight OFF) after a lapse of the second time period (see Fig. 9 and col. 9, line 52 – col. 10, 67);

Here, although Izumi fails to specific disclose the second time period is longer than the first time period, it is noted that **Izumi** suggests that when the device is operating in schedule application, the display time is set at least 30 seconds, and when the device is operating in telephone book application, the display time is set to a fixed 30 seconds (see col. 10, lines 40-48). Further, **Izumi** discloses that the table for storing display time can be changed and set by the user (see col. 10, lines 63-67). Therefore, by setting the display time for the telephone book application with illumination (display) time shorter than the display times of the schedule application, the telephone book application would read on the first mode, and the schedule application would read on the second mode as claimed. Since the time required for reading and dialing a phone number would obviously be shorter than reading a schedule application, it would have been obvious to one skill in the art to modify **Izumi** for providing a method as claimed, by simply setting the display time for the telephone book application with display time shorter than the display times of the schedule application, for improving conservation of battery life.

Regarding claims **2, 7, 10**, the claims are interpreted and rejected for the same reason as set forth in claim 1 above.

Regarding claim **6, 8**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, Izumi discloses the step of updating the display time period when a user input is supplied (see col. 5, lines 23-27).

Allowable Subject Matter

5. Claims 3-5 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 9, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 12-23 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 3-5, 9, 11, 12, 20, 22, the cited prior art fail to disclose or made it obvious a method or apparatus for controlling information display of a radio communication terminal which comprises steps as specified in the claims, wherein the display is changed from a first brightness mode to a second brightness mode after the elapse of a time period, and wherein the elapse time period comprises two periods of times which are set according to the specified operation modes of the terminal as recited in the claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Eaton et al** (PCT Pub. Number WO 97/03432), Method and apparatus for backlighting a display for different times in a battery powered device.

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10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

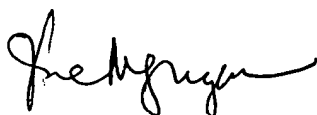
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



Mar 18, 2004